

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PCF INSURANCE SERVICES OF THE
WEST LLC,

Plaintiff,

v.

JAMES FRITTS, *et al.*,

Defendants.

CASE NO. C23-1468-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Presently before the Court is Defendants’ motion to dismiss (Dkt. No. 46). The Court seeks supplemental briefing on whether Plaintiff has adequately alleged the “continuity” necessary to establish a “pattern” under RICO. *See H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 241–42 (1989). Specifically, the briefing should address whether Plaintiff has shown “a closed period of repeated conduct” that persisted over a “substantial period of time” (*i.e.*, “closed-ended continuity”) or “past conduct that by its nature projects into the future with a threat of repetition” (*i.e.*, “open-ended continuity”). *See id.* Moreover, the parties should discuss the applicability of *Sun Sav. & Loan Ass’n v. Dierdorff*, 825 F.2d 187 (9th Cir. 1987), a single-victim case in which the Ninth Circuit found sufficient continuity to establish a “pattern” under RICO.

- Defendants' brief, not to exceed 4 pages, is due March 11, 2024.
- Plaintiff's response, not to exceed 4 pages, is due March 18, 2024.
- Defendants' reply, not to exceed 2 pages, is due March 21, 2024.

DATED this 4th day of March 2024.

Ravi Subramanian
Clerk of Court

s/Kathleen Albert
Deputy Clerk